

DEPARTMENT OF THE TREASURY

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

Supporting Statement - Information Collection Request

OMB Control Number 1513-0087

TTB Reporting Requirement 5100/1      Labeling and Advertising Requirements  
Under the Federal Alcohol Administration Act

A. JUSTIFICATION

1. What are the circumstances that make this collection of information necessary and what legal or administrative requirements necessitate the collection?

The Federal Alcohol Administration Act, 49 Stat. 981, 27 U.S.C. 205(e) and (f),

specifically requires the Secretary of the Treasury to issue regulations controlling labeling and advertising of alcohol beverages. Bottlers and importers of alcohol beverages must adhere to numerous performance standards for statements made on labels and in advertisements of alcohol beverages. These performance standards include minimum mandatory labeling and advertising statements which do not deceive or mislead the consumer. Under this prohibition, performance standards are necessary for all labeling and advertising statements, including optional statements.

Under 27 U.S.C. 205(e), the Secretary of the Treasury is required to issue regulations relating to the labeling of alcohol beverages which are intended to prevent deception to the consumer, and to provide the consumer with adequate information as to the identity and quality of the product. The legislative history of the FAA Act shows that Congress intended to grant broad rulemaking authority to ensure that labels on alcohol beverages provide consumers with adequate information about the product.

The performance requirements for the labeling and advertising of alcoholic beverages are found in 27 CFR:

4.32	5.32	7.22
4.39	5.42	7.29
4.62	5.63	7.52
4.64	5.65	7.54

2. How, by whom and for what purpose is this information used?

Consumers use the information on labels and advertising in purchasing alcohol beverage products. The law requires the display of mandatory information, including the identity of the product (e.g. "grape wine, Chardonnay, etc.") and the control of other labeling statements to prevent consumer deception or confusion.

3. To what extent does this collection of information involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology? What consideration is given to use information technology to reduce burden?

The use of improved information technology is not applicable to a collection of information for the purpose of disclosure to the general public through labeling and advertising.

4. What efforts are used to identify duplication? Why can't any similar information already available be used or modified for use for the purposes described in Item 2 above?

Efforts to identify duplication are not applicable to the collection of information for the purpose of disclosure to the general public through labeling and advertising.

Identification of sources of similar information is not applicable to the collection of information for the purpose of disclosure to the general public through labeling and advertising.

5. If this collection of information impacts small businesses or other small entities, what methods are used to minimize burden?

The FAA Act requires that the Treasury standards, among other things, prohibit consumer deception and provide adequate information as to the identity and quality of the product. The standards cannot be reduced on the basis of the size of the respondent.

6. What consequences to Federal program or policy activities and what, if any, technical or legal obstacles to reducing burden will occur if this collection is not conducted or is conducted less frequently?

This collection of information is required by the FAA Act. There is no set time for the collection of information for the purpose of disclosure to the general public through labeling and advertising. If there were no labeling and advertising requirements there would be no way of eliminating deceptive and misleading information to the public.

7. Are there any special circumstances associated with the information collection?

The display of information in labeling and advertising is required by law for every label. There is discretionary authority on the part of the Agency to waive this requirement.

8. What effort was made to notify the general public about this collection of information?

A 60-day Federal Register notice was published for this information collection on Tuesday, February 17, 2009, 74 FR 7543. The notice solicited comments from the general public. TTB received no comments.

9. What decision was made to provide any payment or gift to respondents, other than reenumeration of contractors or grantees?

No payment or gift is associated with this collection.

10. What assurance of confidentiality was provided to respondents and what was the basis for the assurance in statute, regulations, or agency policy?

No specific assurance of confidentiality is provided for disclosure of information to the general public through labeling and advertising.

11. What justification is there for questions of a sensitive nature?

No questions of a sensitive nature are asked.

12. What is the estimated hour burden of this collection of information?

It is estimated that 7,071 respondents will provide the required information once per year. Each response should take an average of 1 hour per applicant to complete, for a total of 7,071 burden hours.

13. What is the estimated total annual cost burden to respondents or recordkeepers resulting from this collection of information?

No cost is associated with this collection.

14. What is the annualized cost to the Federal Government?

There is no cost to the Federal Government.

15. What is the reason for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I?

There is an adjustments association with this collection due to an increase in the number of respondents.

16. Outline plans for tabulation and publication for collections of information whose results will be published.

We will not publish the results of this collection.

17. If seeking approval to not display the expiration date for OMB approval of this information collection, what are the reasons that the display would be inappropriate?

It would be inappropriate to display the expiration date for OMB approval because these are labeling and advertisement requirements and, unlike the form, there is no medium on which to display the expiration date for OMB approval.

18. What are the exceptions to the certification statement?

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.